

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 18-CR-120 (ADM/KMM)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DEFENDANT'S MOTION FOR
PRETRIAL DISCLOSURE
OF RULE 404(b) EVIDENCE**

DWIGHT FREDERICK BARNES,

Defendant.

The Defendant, Dwight Frederick Barnes, by and through his attorney, Andrew Garvis, moves this Court for an order directing the government to disclose any "bad act" or "similar course of conduct" evidence it intends to offer at trial as to each defendant, pursuant to Rule 404(b) of the Federal Rules of Evidence, and further directing the government to identify the witnesses through whom such evidence will be presented at trial, on the following grounds:

1. Pretrial disclosure would prevent any judicial surprise at trial;
2. Pretrial disclosure would allow defendant's counsel to adequately prepare to meet the issues to be presented at trial;
3. Pretrial disclosure would allow defendant the opportunity to timely seek exclusion of such prejudicial and non-relevant evidence;
4. The government should not be permitted to conceal, until trial, particular crimes or acts it intends to offer in evidence in its case in chief.

5. The Rule mandates disclosure upon a request like this one.

This motion is based upon all files, records and proceedings herein.

Dated: November 15, 2018

Respectfully submitted,

s/ Andrew S. Garvis

Andrew S. Garvis, Att'y #257989

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